



Fox Rothschild LLP

ATTORNEYS AT LAW

Mail: P. O. Box 5231, Princeton, NJ 08543-5231

Princeton Pike Corporate Center
997 Lenox Drive
Building 3
Lawrenceville, NJ 08648-2311
Tel (609) 896-3600 Fax (609) 896-1469
www.foxrothschild.com

Office Managing Partner
Douglas J. Zeltt

JOHN C. ATKIN
Direct No: 609.895.3327
Email: JAtkin@FoxRothschild.com

03/16/2018

Via ECF

The Honorable Leda D. Wettre
United States District Court for the District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

**Re: Strike 3 Holdings, LLC v. John Doe subscriber assigned IP address
73.198.233.48
Dkt. No. 2:18-cv-02549-SDW-LDW**

Judge Wettre:

We represent Plaintiff Strike 3 Holdings, LLC (“Strike 3”) in the above-referenced matter. Pursuant to Your Honor’s judicial preferences, Strike 3 respectfully requests permission to file a motion for leave to serve a third party subpoena prior to the Rule 26(f) conference, which would be returnable on April 16, 2018.

This is a copyright infringement matter. Because Defendant used the Internet to commit the alleged infringement, Strike 3 only knows Defendant by his Internet Protocol (“IP”) address, which was assigned to Defendant by his Internet Service Provider (“ISP”). Accordingly, Defendant’s ISP can identify Defendant by his IP address.

Pursuant to Rule 26(d)(1), except for circumstances not applicable here, a party may not propound discovery in advance of a Rule 26(f) conference without a court order. Strike 3’s motion will seek leave to serve a third-party subpoena in order to learn the name and address of Defendant in order to serve Defendant with process.

Accordingly, for the foregoing reasons Strike 3 respectfully requests permission to file a

The Honorable Leda D. Wettre

03/16/2018

Page 2

Motion seeking leave to file a third party subpoena on Defendant's ISP prior to the Rule 26(f) conference.

Thank you for your attention to this matter.

Respectfully submitted,

/s/ John C. Atkin

John C. Atkin